

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
April 19, 2010

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

TOWN ADMINISTRATOR: Naomi Bolton

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Rad Betts, Paula Bellemore, Betty Straw, Ian McSweeney, George Malette, Carl Knapp, Sherry Burdick, Ruth Jones, Chief Begin, Cathy Baumann, Malcolm Wright

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Mr. George Malette informed the Board that the EPA lead safety program has been in effect for over 10 years, but starting April 22, 2010 it will be enforced. He recommended that the Board check the contracts at the Transfer Station for regulations.

Mr. Malette said that he contacted the President of the Weare Garden Club regarding the “Granite Beauty” apple tree. The President of the Garden Club was not able to make a meeting or able to find a representative of the Garden Club to meet with them. Mr. Malette said that he reviewed the proposed location with Sherry Burdick and they will be coming forth with a planting date.

Mr. Malette asked the Board to discuss the makeup of the Building Committee. He would like the Building Committee to be made up of 3 full time members and 3 alternate members.

Mr. Carl Knapp said that the lead paint will be accepted at household hazardous waste day in the fall.

Mr. Knapp said they saw a large increase in trash associated with the wind/flood storm. FEMA will be considering the increase in trash.

AWARDING OF PUBLIC WORKS BIDS FOR ROAD PROJECTS – Mr. Knapp informed the Board that he received five bids for reclamation ranging from \$1.00 per square yard to \$0.68 per square yard. Pike Industries was the lowest bidder and Mr. Knapp recommends awarding the contract to them.

Mr. Knapp said that he received six bids for paving from \$74.80 per ton down to \$67.50 per ton. Pike Industries was the lowest bidder at \$67.50 per ton, which is less than last year.

Mr. Knapp said that he received three bids for gravel, all bidders are from town. There were two different specs. Mt. William was the only one to bid on the 303.4. Mr. Knapp said he is awaiting state spec tests. Mr. Knapp told the Board that 304.3 is crushed bank run down to 1.5 inches and 303.4 is blasted ledge that is crushed and said that ledge binds together better and crushed gravel has a natural sand in it.

Selectman Lacasse moved, Selectman Osborne seconded to award the road way reclaiming to Pike Industries at a unit price of \$0.68 per square yard. Passed 5-0-0

Selectman Lacasse moved, Selectman Osborne seconded to award the asphalt projects for 2010 to Pike Industries at a unit price of \$67.60 per ton. Passed 5-0-0

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DEPARTMENT HEADS – Chief Begin told the Board that the Police Department has a contract to patrol the Hopkinton Lake/Dam and to perform security checks of the property from April 16 – October 16, 2010. They will receive a reimbursement of \$5,673 if they patrol twice a day.

Chairman Clow moved, Selectman Donison seconded to accept the contract with the U.S. Army Corps of Engineers to patrol the Everett Dam and be reimbursed \$5,673. Passed 5-0-0

MILDRED HALL ADVISORY COMMITTEE FOR RECOMMENDATION – Ms. Paula Bellemore, Piscataquog Land Conservatory, told the Board that the PLC approached the Mildred Hall Advisory Committee for funding to place a conservation easement on the area that abuts the existing conservation land owned by Alicia Walker. They are also interested in a 20 acre lot south of Mt. Dearborn Road which would connect to Perkins Pond. The total cost for the easement on the 12 acre parcel is \$108,615, they have raised \$96,850 and have additional requests out and are hoping to get \$22,800 from the Mildred Hall Trust for the grant project. A conservation easement will be placed on the property and public access will be allowed but developing will not be allowed. Ms. Bellemore told the Board that Alicia Walker has 115 acres of land in conservation and Fish and Game has 300 acres also under easement. There is good potential for 750 acres in the area to be placed into conservation easement.

Selectman Lacasse asked about the funding gap. Ms. Bellemore said she has additional funding requests out, foundation requests as well as individuals, and has a request into the NH Charitable Foundation. Selectman Lacasse asked what will happen if the gap is not made up and the Board approves the Mildred Hall donation. Ms. Bellemore said she would have to go back to her Board to look for funding and if all the money was not raised the Mildred Hall Fund would not be used.

Ms. Betty Straw said that the working balance of the Mildred Hall Fund is \$252,413.98, some of which is already committed. They set aside \$600,000 that they do not touch to have for perpetuity and they are trying to work with just the interest.

Selectman Lacasse commented on the 20.47 acre lot and the 12.5 acre lot and mentioned Ms. Bellmore stating that they are also in discussion with another family in the area. Ms. Bellmore said Verna Martin and the family is requesting that the conserved parcel be named the Grant Family Conservation. Ms. Bellemore said that the 12.5 acre parcel is owned by Terry Knowles and she is donating the easement on the property.

Selectman Donison asked what the purpose of the Mildred Hall Trust is, who are the trustees and their purpose and why they have to come to the Selectman. Ms. Straw said the provisions of the Mildred Hall will was the money was to be left to the Town, a committee be formed and for the committee to make recommendations to the Board regarding projects they feel are beneficial for the town. They feel that the preservation of land is very important. Ms. Straw said that three voting members of the Mildred Hall Advisory Committee come from the Historical Society and are the advisory committee that recommend to the Selectmen.

Ms. Straw said that the Emma Sawyer Trust was left to the town to fund things that would not normally be funded through the town, but worthwhile to the town. Ms. Ruth Jones said that the Emma Sawyer Trust is not in the hands of the Selectmen, but was left to the Trustees of the Trust Fund.

Vice Chairman Butt said that a request was made to the Open Space Committee for funding and he would like to know the status of the request. Ms. Bellemore said there is no request; the funding request made at that time was premature. Mr. Ian McSweeney said the discussion was tabled at the Open Space Committee until further information was received.

Ms. Bellemore said that Fish and Game would be very interested in closing the conservation gap and joining all these parcels. Vice Chairman Butt said his primary concern with conservation easements is parking access to the conservation land. Ms. Bellemore said when helping landowners with an easement there are a lot of details that need to be thought through. Vice Chairman Butt asked if there were any conservation trails that they are working on to provide parking access and asked if they are encouraging people to access the land. Ms.

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Bellemore said it depends on the land, the wildlife and the landowner; this particular easement will be written stating "may" be a trail. Vice Chairman Butt said he is not sure why they are going through the process of approving this property without knowing the restrictions on the conservation easement. Ms. Bellemore said in a conservation easement the landowner still owns the land, but is conserving the land in its natural state. Vice Chairman Butt said he would like to know the details, i.e., access and connecting to other conserved land, before recommending the funding for the conservation easement. He would like to see a recommendation by the Open Space Committee and the Conservation Commission. Ms. Bellemore said the direction he is heading in is valid, but asked that not be the case in this easement because there is a deadline to meet. Vice Chairman Butt does not like the process of not giving the Selectmen prior notification but expecting a decision at the same time as the discussion.

Chairman Clow said it is difficult to make a decision and they should have information sessions upfront so that a decision does not have to be made at that moment because of a deadline needing to be met. Chairman Clow said they have a history of always approving the recommendations of the Mildred Hall Trust. Vice Chairman Butt said they did not know this request was coming.

Ms. Bellemore said they will be allowing public access, non motorized access, provisions for the NH Department of Historical Architect to dig at the site of the Indian hunting ground located on the property and there will be a lien to shelter for cattle. Ms. Bellemore said it is difficult and expensive for the landowner to draft the document without the funding. She said when seeking funding not all the details are worked out; they need to secure funding before moving forward.

Mr. Ian McSweeney said that the Russell Foundation provides funding, most of time they commit the funding and require documentation before the funding is released. He said it is difficult for organizations to gather the funding from different sources without the commitment, if they know the funding is together it helps the project move forward. Mr. McSweeney does feel all organizations do need to hold a discussion on the process that needs to be followed; but not all projects are public knowledge. Mr. McSweeney said there are easements that have templates to start from and then restrictions can be worked out.

Vice Chairman Butt feels it would not take a long time to work out the details of the easement with the family.

It was discussed that the Walker easement allows public access.

Vice Chairman Butt asked what the issue would be if the decision of the Board was not to support the easement until further information is provided. Ms. Bellemore said her deadline is May 1st. Vice Chairman Butt feels it is a nice property and it would be great to have all the conserved parcels connected.

Ms. Bellemore said Terry Knowles has a clear sense of how she envisions the easement. Ms. Bellemore said they do have commitments from other private sources in town. Both easements would have the same restrictions. Vice Chairman Butt said if the Walker easement restrictions are reasonable he would like the same restrictions for these properties.

Chairman Clow asked if they want to wait for more information for the tentative language of the easement or go forward with a decision tonight. Ms. Bellemore wants to know specifically what the Board needs for further information. Vice Chairman Butt feels the Walker easement should dictate what the restrictions should be.

Chairman Clow asked what specific information they are looking for regarding the easement; a clear picture of what is going to be allowed or to dictate what the particulars are. Vice Chairman Butt said he would not want this easement to be more restrictive than the Walker easement, because they are adjacent parcels. Ms. Bellemore is asking where the Board stands on the stewardship restrictions of the easements. Chairman Clow said since they approve the funding they want to know the restrictions placed on the easement. Vice Chairman Butt said funding is for such projects that will improve the Town of Weare and he is looking for as much access to the conserved land for the town as possible and making it as accessible as possible.

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Ms. Bellemore said conservation easements restrict development but are privately owned parcels. Vice Chairman Butt said it is the degree of access he would like information on. Selectman Lacasse said that there would have to be a compelling reason to limit access. Vice Chairman Butt would like to see a commitment on paper. Ms. Bellemore said she could show them the deed before funding is in place.

Ms. Bellmore asked if there were any other road blocks if they met the specifications of public access. The Board said there would not be.

Ms. Straw said she hopes this issue can be resolved quickly and asked how much notification the Board will require in the future. Ms. Straw said she feels Vice Chairman Butt has a valid point in getting the information in advance in the future. Chairman Clow said they would like at least a couple of regularly scheduled meeting to review the information before making a decision. Ms. Straw feels in this case the family will be reasonable with what is allowed and what is restricted.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 8:20 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Osborne seconded to come out of non public session @ 8:53 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow said the purpose of the non public session was to hold an interview.

Vice Chairman Butt moved, Selectman Lacasse seconded to approve a contract with Catherine Baumann as Town Prosecutor effective May 1, 2010, pending town council approval, with a fixed monthly income of \$2,916.67. Passed 5-0-0

OTHER BUSINESS – Chairman Clow said they received an email from DES concerning brook crossings on Mountain Road. Mr. McSweeney said that he is interested in the Board's discussion and said that DES is requesting correspondence by April 23, 2010. Chairman Clow said that PSNH hired a mason to repair the crushed culvert and asked if it has been crushed again. Mr. McSweeney said it is a different culvert and said that people driving through Lilly Brook is the issue. He said some culverts were crushed due to work done by PSNH and not all of them have been fixed. Chairman Clow asked if it was a newly damaged culvert. Mr. McSweeney said it was damaged prior to PSNH. Chairman Clow said this is a very old issue with Lilly Brook. Mr. McSweeney said there is a state RSA that prohibits vehicles from crossing over running water. This is being enforced by DES. Driving through the culvert is what caused the damaged. Mr. McSweeney said there is state conservation officer that goes out there regularly because they have conservation land in the area with executory interest.

Mr. McSweeney does not know who filed the complaint. He said that the culvert that was repaired was on private land, the rest is a Class VI road which the town cannot expend funds on. There is an RSA that allows the town to raise and appropriate funds for the road if specific culvert issues need to be addressed. Selectman Lacasse asked if some sort of legal crossing could be made at Lilly Brook. Mr. McSweeney said the town has the option to close the road and reclassify it or close it permanently or repair the specific items without reclassifying. Vice Chairman Butt said people could park out on Mountain Road and they could convert the Class VI road to a trail. The town could restrict public access with a Class A trail and with a Class B trail completely restrict vehicle access. It was discussed that there are 3-4 house lots on the private section of the road owned by the same family as well as a hunting cabin. There are also two other lots that have another access.

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Mrs. Bolton, Town Administrator, said the town may raise and appropriate funds and the town can expend funds on a Class VI road but a public hearing would have to be held and explanation of why emergency access would be needed. Mrs. Bolton, Town Administrator, said there are off road vehicles driving on the Class VI road and the snowmobile club was looking to assist some landowners on Toby Hill with gates and bars and weight restrictions. Mrs. Bolton, Town Administrator, said the problem would be enforcement even if they made the restrictions. Mr. McSweeney said this area connects to Francestown and Deering. He said that Deering puts up gates and Francestown changed the classification of their portion of the road to Class A.

Chairman Clow suggests that they write to DES and tell them the issue was discussed at their April 19, 2010 meeting and that the Board needs time to consider alternatives and have the area looked at by the Public Works Director.

MANIFESTS

Chairman Clow moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated April 22, 2010. Passed 4-0-1 Selectman Lacasse abstained

Accounts payable	\$312,029.75	(John Stark \$250,000)
	\$7,103.99	(Retirement Corrections)
Gross Payrolls	<u>\$44,576.98</u>	(Includes Spec. Detail, Taxes, Credit Union, On Call Bonus)
Total	\$363,710.72	

Chairman Clow said the Retirement corrections in the amount of \$7,103.99 was because some employees overpaid their NH State Retirement and this money is being refunded to them.

MEETING MINUTES

Chairman Clow moved, Selectman Donison seconded to approve the minutes of April 5, 2010 as amended. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to approve the minutes of April 12, 2010 as written. Passed 4-0-1 Selectman Osborne abstained

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS – Mrs. Naomi Bolton, Town Administration said that several committee members want to be reappointed and there are some new volunteers. Mrs. Bolton, Town Administrator, asked the Board if they would like to meet with all these individuals before appointing them. Chairman Clow said it is the Board's practice to meet with volunteers before appointing them so they can meet who is on the committees. Selectman Lacasse said they should bring individuals back in because the make up of the Board changes. Vice Chairman Butt mentioned that the volunteer form needs to be updated to reflect active committees.

Mr. Malcolm Wright is currently serving as an alternate on the Zoning Board and has filled out a volunteer form to be reappointed. Chairman Clow asked Mr. Wright what challenges he has seen the Zoning Board face and what interests him in continuing to serving on the Board. Mr. Wright said law and order, he likes things done a certain way and said that good zoning makes good neighbors. He supports the Board and would like to be a part of it.

Selectman Donison moved, Selectman Lacasse seconded to reappoint Malcolm Wright as an alternate to the Zoning Board of Adjustments. Passed 5-0-0

Chairman Clow asked Mr. George Malette where the Heritage Commission stands and commented on there being no budget. Mr. Malette said they have had difficulty with maintaining a good base of volunteer commitment and with having a quorum because they average three members per meeting. Their goal is to move forward with a town wide survey, to look at the history of the town and make recommendations to other organizations. They also plan on prioritizing historic buildings in town based on cultural and historical

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significance. Vice Chairman Butt said the idea is great, but asked where the money will come from to do that. Vice Chairman Butt said the Heritage Commission is able to collect money and use the money at their discretion without further approval. Mr. Malette said they are looking into additional information to come to the Selectmen for the town to become a certified local government. Once they study this to a certain degree, they will bring forth the information to the Board, if they become certified there is grant money available to be able to do the town wide survey. Chairman Clow asked Mr. Malette “certified by whom?” Mr. Malette said once they understand they will bring the information forward to the Board.

Chairman Clow moved, Selectman Lacasse seconded to reappoint George Malette to the Heritage Commission. Passed 4-0-0 (Selectman Donison was out of the room)

BUILDING COMMITTEE DISCUSSION – Chairman Clow would like the committee to be a short term and project based committee rather than a long term based committee. Chairman Clow said there has been a problem with gathering a quorum. Selectman Donison said that instead of the Building Committee spending a lot of time on historical buildings he feels that a case by case basis might be a better way to approach projects. Chairman Clow said in using the Town Office Building as an example there are still many issues and they could solicit specific groups for specific projects. Selectman Lacasse commented that it sounds more like an organized agenda rather than an additional committee. Selectman Lacasse said part of the problem with the Building Committee is that there is not really one pressing project that has required action. Chairman Clow said he found frustration with the committee having difficulty meeting a quorum and the BOS waiting for recommendations from the Building Committee that never came.

Selectman Donison said that the last meeting minutes of the Building Committee are from November 9, 2009 and he feels that a staff person could coordinate some of the items on the list. Selectman Donison does not feel they need a Building Committee to decide if a building needs to be painted.

Vice Chairman Butt said that in some cases the Board just needs to make the decision and go ahead with the project. He feels they need a group to oversee projects but not necessarily to make decisions. Vice Chairman Butt thinks that reducing the number of people on the committee does not necessarily solve the problem. Vice Chairman Butt said that they should make a town employee responsible.

Selectman Lacasse commented on the amount stated in the personnel policy (\$2,501-\$5,000 requires three written quotes) that requires going out to bid for a project. He said that any project that does not need to go out to bid there is no need to involve a Building Committee, but if there is a large project then it would require Building Committee input.

Vice Chairman Butt mentioned the Highway Garage and stating that Selectman Donison had a plan for the building. He does not understand why the Building Committee has not addressed the Highway Garage.

Chairman Clow said it is frustrating to him that a project is mentioned for the Town Office Building and then does not move forward. Chairman Clow said they let too much time go by between talking about something and then doing something. Vice Chairman Butt does not know how to separate the tasks. Selectman Donison said there should be an advisory role, obtain get three quotes, get approval and get the project done. Selectman Lacasse said that the Building Committee made a list of priorities for town buildings. Chairman Clow said there is no person in charge of getting the quotes. Selectman Lacasse said some of the projects have been done.

Vice Chairman Butt said the Building Committee was put into place, but smaller tasks are not Building Committee related rather maintenance related. He said the largest project ahead of them is the Highway Garage, making people aware, establishing costs and getting the project done. Vice Chairman Butt said they should get a resource list of people in town who would be willing to work on a project that they have knowledge of. Chairman Clow said there needs to be a lot more discussion of the needs of the Highway Garage before they come up with a plan. Vice Chairman Butt said they are one step away from crisis with the Highway Garage and

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feels it is an accident waiting to happen. Selectman Lacasse said they can make every argument to why the Highway Garage is needed, but the timing is not right.

Chairman Clow said yes, they still need a Building Committee, but the Board and hired personnel should be taking the lead on smaller projects and not waiting for approval. Vice Chairman Butt said that two Selectmen along with the current Building Committee members need to meet and bring forth recommendations to the Board of Selectmen. Selectman Lacasse said there are some Building Committee members that have done a lot of leg work and invested a lot of time and he would not want to discourage them.

The Board decided they will discuss this again at their 2nd meeting in May.

Mr. Malette said each year after town vote they walk through town and make a list of projects that need to be done to town buildings because the Selectmen told them to prioritize the list. Mr. Malette said they came back to the Board with the prioritized list and nothing happened. Then they came back the next month with the numbers and they were waiting to hear back from the Selectmen on which projects to move forth on. Mr. Malette said that the Building Committee wrote up specifications for bids, the Town Administrator sent out the bids and they waited for approval from the Selectmen to hear which projects to move forth on. Mr. Malette said even large projects like the Stone Building roof, they went through the Board of Selectmen. He thinks the process was meant to be great and filled the gap on what projects needed to be done. Mr. Malette said they never got a list from the Selectmen. Mr. Malette said whenever he was approached by Chris Hague, they made recommendations to the Selectmen on the projects needed for the Library.

Chairman Clow said his frustration is that they haven't moved forward on projects. They did get bogged down when they did not have a Town Administration then they went into budget season. Chairman Clow said there is money in the Building Maintenance Fund to complete some projects. Chairman Clow said they will come back to defining the role of the Building Committee and in the meantime the Town Administrator will oversee all small projects.

All dog license renewals are due April 30, 2010.

Mrs. Bolton, Town Administrator, discussed that Saturday, April 24th is trash pick up day; she will pick a road for the Selectmen. Mr. Knapp will pick up the trash once the blue bags are full.

Mrs. Bolton, Town Administrator, said that the Personnel Policy will be distributed Tuesday, April 20th to all employees.

PUBLIC COMMENT – Malcolm Wright would like the Board to look at the entire structure of the Building Committee. He commented on hearing them say they need a Use Committee to study and make recommendations on usage of town buildings. Mr. Wright feels what they need is full engagement, somebody who is fully engaged everyday to some extent and can bring information forth to the Board of Selectmen.

CORRESPONDENCE – Selectman Donison mentioned that he attended the last ZBA meeting for a personal application. Selectman Donison said that the Zoning Board realized there was a new ordinance that was written that overrode an ordinance and as a result applications had to be rewritten for the May meeting. He said the question was raised that what if there was an application approved in January or February that involves this ordinance and an issue comes up, should the town have an attorney on retainer. Mrs. Bolton, Town Administrator, said that Bill Drescher is the Land Use Attorney and they should have heard something on the change that was brought to their attention in April. Selectman Donison asked if Attorney Drescher has been proactive in advising the town in advance. Selectman Donison said that Attorney Drescher could flag changes out to the town as they occur and when he does so there will be a charge. It was discussed the ZBA did the right thing, it was unfortunate it happened on the same day as the request. Chairman Clow said they pay dues to the Local Government Center and Southern New Hampshire Planning Commission who could have notified the town of the change in the ordinance as well.

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Vice Chairman Butt discussed the quarterly review of the budget and said he wants the Town Administrator to understand what a quarterly review consists of. They did get a print out of the budget from the Finance Administrator but that is not the report. He is looking for a summary stating this department is over budget or revenue is lower than anticipated. He has looked through the budget and has seen areas of concern and would like to have a quarterly summary of problem areas and how they are going to recover.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 10:35 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 10:50 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Selectman Donison moved, Vice Chairman Butt seconded to seal and restrict the minutes of the non public session. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 10:51 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 11:15 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to seal and restrict the minutes of the non public session. Passed 5-0-0

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary